

Case 2:09-cv-05002-RHW Document 42-2 Filed 10/15/2009

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 17 2009

JAMES R. LARSEN, CLERK
RICHLAND, WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
vs.
2001 MERCEDES-BENZ S600,
VIN: WDBNG78JX1A198359,
Defendant.

CV-09-5002-RHW

Final Order of Forfeiture

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, that the defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1333. Venue is proper pursuant to 28 U.S.C. § 1335.

The defendant property being forfeited is described as follows:

2001 Mercedes-Benz S600, VIN: WDBNG78JX1A198359, seized on or about August 14, 2008, from Fredrick Jackson, in Kennewick, Washington.

On February 11, 2009, the United States filed the executed Warrant of Arrest In Rem issued by the Court on January 29, 2009, as evidenced by the United States Marshals Service form USM-285 and attached warrant.

On February 12, 2009, Dave Warner/Warner Auto Sales was served in care of his attorney, Robert J. Thompson, via certified mail, with copies of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture, and Warrant of Arrest In Rem, as evidenced by the Certificate of Service of Notice by Mail filed with the Court on February 13, 2009. On May 1, 2009, Dave Warner filed an answer. To date, Dave Warner has not filed a claim. On September 29, 2009, the Court granted the United States' Motion to Strike and for Order of Default. A Clerk's Order of Default was entered against Dave Warner on September 29, 2009.

1 On February 12, 2009, Fredrick "Freddy" Jackson was served via certified mail
2 with copies of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for
3 Forfeiture and Warrant of Arrest In Rem, as evidenced by the Certificate of Service
4 of Notice by Mail filed with the Court on February 13, 2009. To date, Fredrick
5 "Freddy" Jackson has not filed a claim and answer. A Clerk's Order of Default was
6 entered against Fredrick "Freddy" Jackson on June 25, 2009.

7 Notice of Criminal Forfeiture was posted on an official government internet site
8 (www.forfeiture.gov) for at least 30 consecutive days, beginning on April 10, 2009,
9 as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or
10 Maritime Claims and Asset Forfeiture Actions. At the latest, the claim period expired
11 on June 9, 2009. No claims to the defendant property have been filed.

12 It appearing to the Court that Dave Warner's interest in the defendant property
13 has been resolved through the entry of the Clerk's Order of Default;

14 It appearing to the Court that Fredrick "Freddy" Jackson's interest in the
15 defendant property has been resolved through the entry of the Clerk's Order of
16 Default;

17 It also appearing to the Court that no claims have been made to the defendant
18 property;

19 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
20 defendant property is hereby forfeited to the United States of America, and no right,
21 title, or interest shall exist in any other person.

22 IT IS FURTHER ORDERED that the United States shall dispose of the
23 forfeited defendant property in accordance with law.

24 DATED this 17th ^{November} day of October 2009.

25
26
27 Robert H. Whaley
28 Senior United States District Judge

1 Presented by:

2 James A. McDevitt
3 United States Attorney

4 s/James A. Goeke

5 James A. Goeke
6 Assistant United States Attorney

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